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13 Attorneys for Plaintiff:
GEORGE AVALOS
14

15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**

17 * * *

| | | |
|--|---|-------------------------------------|
| 18 GEORGE AVALOS, |) | No. 1:20-cv-01385-DAD-SKO |
| |) | |
| 19 Plaintiff, |) | STIPULATION AND ORDER TO SET |
| |) | ASIDE DEFAULT |
| 20 v. |) | |
| |) | (Doc. 12) |
| 21 HPC BLACKSTONE INVESTORS, LP, a |) | |
| 22 California limited partnership; and DOES 1- |) | |
| 23 10, inclusive |) | |
| |) | |
| 24 Defendants. |) | |
| |) | |
| |) | |
| |) | |
| 26 |) | |

27 Hatmaker Law Group
7522 N. Colonial Ave.
Suite 105
28 Fresno, CA 93711

1 It is hereby stipulated between Plaintiff, GEORGE AVALOS, who is represented by
2 Joseph R. Manning, Jr., Esq., of Manning Law, APC, and Defendant, HPC BLACKSTONE
3 INVESTORS, LP, which is represented by Rachelle Taylor Golden, Esq., of Hatmaker Law
4 Group (collectively referred to herein as “the Parties”), that Plaintiff’s Request for Entry of
5 Default, if entered, be set aside and Defendant, HPC BLACKSTONE INVESTORS, LP, be
6 allowed to file its responsive pleading with all affirmative defenses preserved.

7 The Parties further stipulate that HPC BLACKSTONE INVESTORS, LP has ten (10)
8 days from the entry of the Order hereinbelow is a reasonable and sufficient time within which to
9 file responsive pleading.

10 DATED: December 4, 2020

HATMAKER LAW GROUP
A Professional Corporation

11
12 By: /s/ Rachelle Taylor Golden
13 RACHELLE TAYLOR GOLDEN
14 Attorney for Defendant,
15 HPC BLACKSTONE INVESTORS, LP

16 DATED: December 4, 2020

MANNING LAW
A Professional Corporation

17
18 By: /s/ Joseph R. Manning, Jr.
19 JOSEPH R. MANNING, JR.
20 Attorney for Plaintiff,
21 GEORGE AVALOS

SIGNATURE CERTIFICATION

22 I hereby certify that the content of this document is acceptable to Joseph R. Manning, Jr.,
23 counsel for George Avalos and that I have obtained Mr. Manning’s authorization to affix his
24 electronic signature to this document.

25 Dated: December 4, 2020

HATMAKER LAW GROUP

26
27 By: /s/ Rachelle Taylor Golden
28 RACHELLE TAYLOR GOLDEN
Attorney for Defendant

ORDER

The Court has reviewed the Parties' above stipulation, and for good cause shown, the default entered against Defendant, HPC BLACKSTONE INVESTORS, LP, is hereby SET ASIDE. Defendant shall file and serve its responsive pleading no later than ten (10) days from the date of this Order.

IT IS SO ORDERED.

Dated: **December 9, 2020**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

My business address is 7522 N. Colonial Avenue, Suite 105, Fresno, California 93711. I am employed in Fresno County, California. I am over the age of 18 years and am not a party to this case.

On the date indicated below, I served the foregoing document described as:

STIPULATION TO SET ASIDE DEFAULT AND [PROPOSED] ORDER THEREON

on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Attorneys for Plaintiff

JOSEPH R. MANNING, JR. 223381
DisabilityRights@manninglawoffice.com
MANNING LAW
A Professional Corporation
20062 SW Birch Street, Suite 200
Newport Beach, CA 92660
Telephone: (949) 200-8755

____ (BY FIRST CLASS MAIL) I am readily familiar with the business' practice for collection and processing of correspondence for mailing, and that correspondence, with postage thereon fully prepaid, will be deposited with the United States Postal Service on the date noted below in the ordinary course of business, at Fresno, California.

____ (BY ELECTRONIC TRANSMISSION – by CM/ECF System) Notice of this filing will be sent by e-mail to all parties and the above-specified persons by operation of the Court's electronic filing CM/ECF system, which will send electronic notification of such filing to all counsel/parties.

☒ (BY ELECTRONIC TRANSMISSION) I caused the above-referenced document to be sent to the person(s) at the e-mail address(es) of the addressee(s) on the date stated thereon. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. The electric notification address of the person making the service is christine@hatmakerlaw.com.

EXECUTED ON December 9, 2020, at Fresno, California.

☒ (FEDERAL) I declare that I am employed in the office of a member of the State of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/Tiffany Holmberg
TIFFANY HOLMBERG